

FIRST REGULAR SESSION

SENATE BILL NO. 305

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Read 1st time January 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

0158S.011

AN ACT

To amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto nine new sections, to be known as sections 334.1000, 334.1003, 334.1006, 334.1009, 334.1012, 334.1015, 334.1018, 334.1021, and 334.1024, to read as follows:

334.1000. Sections 334.1000 to 334.1024 shall be known and may be cited as the "Medical Imaging and Radiation Therapy Quality Assurance Act of 2007".

334.1003. As used in sections 334.1000 to 334.1024, the following terms mean:

(1) "Board", the medical imaging and radiation therapy board of examiners created in section 334.1012;

(2) "Chiropractic radiologist", a physician certified by the American Chiropractic Board of Radiology;

(3) "Dental radiographer", a person, other than a licensed practitioner, dental assistant working under direct supervision of a licensed practitioner required under chapter 332, RSMo, or person who administers medical imaging or radiation therapy procedures on humans, whose duties are restricted to radiography of the maxilla and mandible for diagnostic purposes;

(4) "Director", the director of the division of professional registration within the department of insurance, financial institutions and professional registration;

(5) "License", a certificate issued by the board authorizing the

17 licensee to use radioactive materials, medical imaging, or radiation
18 therapy equipment on humans for diagnostic or therapeutic purposes
19 in accordance with sections 334.1000 to 334.1024;

20 (6) "Licensed practitioner", a person licensed to practice
21 medicine, dentistry, podiatry, chiropractic, osteopathy, veterinary
22 medicine, or as a registered nurse or dental hygienist in this state;

23 (7) "Limited permit", a certificate issued by the board authorizing
24 a person to conduct diagnostic radiology examinations that is limited
25 to the performance of specific medical imaging procedures on specific
26 parts of the human body, such as chest, spine, or extremity
27 radiography;

28 (8) "Medical imaging", any procedures or article intended for use
29 in the diagnosis of disease or other medical or dental conditions,
30 including but not limited to diagnostic X-rays and nuclear medicine;

31 (9) "Nuclear medicine technologist", a person, other than a
32 licensed practitioner, who uses radiopharmaceutical agents on humans
33 for diagnostic or therapeutic purposes;

34 (10) "Persons who administer medical imaging or radiation
35 therapy procedures", any person, other than a licensed practitioner,
36 who intentionally administers medical imaging or radiation therapy
37 procedures to other persons for medical purposes, and including, but
38 not limited to, radiographers, radiation therapists, and nuclear
39 medicine technologists, licensed under sections 334.1000 to 334.1024;

40 (11) "Public member", a person who is a resident of this state but
41 who is not a licensed practitioner, person who administers medical
42 imaging and radiation therapy procedures, or dental radiographer
43 under sections 334.1000 to 334.1024;

44 (12) "Radiation therapist", a person, other than a licensed
45 practitioner, who applies radiation to humans for therapeutic purposes;

46 (13) "Radiation therapy", any radiation procedure or article
47 intended for the cure, mitigation, or prevention of disease in humans;

48 (14) "Radiologic physicist", a person who is certified by the
49 American Board of Radiology in radiological physics or one of the
50 subspecialties of radiological physics, or is eligible for such
51 certification;

52 (15) "Radiographer", a person, other than a licensed practitioner,
53 who applies radiation to humans for diagnostic purposes;

54 **(16) "Radiologist", a physician certified by the American Board**
55 **of Radiology or the American Osteopathic Board of Radiology, the**
56 **American Chiropractic Board of Radiology, the British Royal College**
57 **of Radiology, or the Canadian College of Physicians and Surgeons;**

58 **(17) "Temporary license", a certificate issued by the board**
59 **authorizing an applicant to perform medical imaging and radiation**
60 **therapy procedures when his or her licensure or relicensure is pending**
61 **before the board and when issuance may be justified by special**
62 **circumstances as determined by the board.**

334.1006. 1. No person, other than a licensed practitioner, a
2 **person who administers medical imaging and radiation therapy**
3 **procedures, or a dental radiographer, shall perform medical imaging**
4 **or radiation therapy procedures on humans for diagnostic or**
5 **therapeutic purposes.**

6 **2. The board shall establish licensure standards consistent with**
7 **national accreditation standards for the radiographer (R), radiation**
8 **therapist (T), nuclear medicine technologist (N), dental radiographer**
9 **(D), limited permit holder, and temporary license holder. Persons**
10 **holding such licenses shall be recognized by this nomenclature.**

11 **3. A person holding a license under sections 334.1000 to 334.1024**
12 **shall use radioactive substances or equipment for medical imaging and**
13 **radiation therapy procedures on humans only for diagnostic or**
14 **therapeutic purposes at the direction of a licensed practitioner, and**
15 **only if the application of a substance or the use of equipment is limited**
16 **in a manner specified in sections 334.1000 to 334.1024.**

17 **4. Nothing in sections 334.1000 to 334.1024 relating to medical**
18 **imaging, radiation therapy, or dental radiography shall limit, enlarge,**
19 **or affect the practice of licensed practitioners as defined in section**
20 **334.1003.**

21 **5. The requirement of a license shall not apply to a resident**
22 **physician or a student enrolled in and attending a school or college of**
23 **medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene,**
24 **medical imaging, or radiation therapy who performs medical imaging**
25 **or radiation therapy procedures on humans while under the**
26 **supervision of a licensed practitioner or direct supervision of a**
27 **radiographer, radiation therapist, or nuclear medicine technologist**
28 **holding a license under sections 334.1000 to 334.1024.**

29 6. The provisions of sections 334.1000 to 334.1024 shall not apply
30 to persons performing sonography services or bone density studies.

 334.1009. 1. There is hereby established the "Medical Imaging
2 and Radiation Therapy Board of Examiners" which shall consist of
3 eleven members appointed by the governor with the advice and consent
4 of the senate. All members of the board shall be residents of this state.
5 Of the eleven board members, five shall be persons who administer
6 medical imaging and radiation therapy procedures, two shall be
7 radiologists, two shall be other licensed practitioners, one shall be a
8 radiologic physicist, and one shall be a public member.

9 2. The term of office for each member of the board shall be three
10 years; except that, of the members first appointed four shall be
11 appointed to a term of one year, four shall be appointed to a term of
12 two years, and three shall be appointed to a term of three
13 years. Vacancies shall be filled for an unexpired term only in the
14 manner provided by original appointment.

15 3. Persons who administer medical imaging or radiation therapy
16 procedures appointed to the board for terms beginning thirty-six
17 months following issuance of a license in any category by the board
18 shall hold a valid license in any category issued by the board.

19 4. Members of the board shall not receive compensation for their
20 service on the board, but may be reimbursed for reasonable and
21 necessary expenses incurred in the performance of their official duties
22 as members of the board.

23 5. The director of the division of professional registration shall
24 designate an officer or employee of the state to act as a secretary of the
25 board who shall not be a member of the board. The director shall
26 furnish staff, logistics, budget, and other support to the board as
27 appropriate.

28 6. The public member shall be at the time of his or her
29 appointment a citizen of the United States; a resident of this state for
30 a period of one year and a registered voter; a person who is not and
31 never was a member of any profession licensed or regulated under this
32 chapter or the spouse of such person; and a person who does not have
33 and never has had a material, financial interest in either the providing
34 of the professional services regulated by this chapter, or an activity or
35 organization directly related to any profession licensed or regulated

36 under this chapter. The duties of the public member shall not include
37 the determination of the technical requirements to be met for licensure
38 or whether any person meets such technical requirements or of the
39 technical competence or technical judgment of a licensee or a
40 candidate for licensure.

41 7. For administrative purposes, the board shall meet at least
42 once every three months at times and places of its choosing. The first
43 meeting of the board shall be for organization only, in which the board
44 will set forth its responsibilities and rules.

45 8. A majority of the members shall constitute a quorum. No
46 action shall be taken by the board except by an affirmative vote of the
47 majority of those members present and voting.

48 9. The board shall be responsible for setting and implementing
49 policies for licensing individuals, accrediting programs, imposing
50 discipline, and hearing appeals.

51 334.1012. 1. The board shall admit to examination for licensure
52 any applicant who pays a nonrefundable fee established by rule of the
53 board and submits satisfactory evidence, verified by oath or
54 affirmation, that the applicant:

55 (1) At the time of application, is at least eighteen years of age;
56 and

57 (2) Has successfully completed a four-year course of study in a
58 secondary school accredited by the state board of education, or passed
59 an approved equivalency test.

60 2. In addition to the requirements in subsection 1 of this section,
61 any person seeking to obtain a license in a specific area of medical
62 imaging and radiation therapy shall comply with the following
63 requirements:

64 (1) Each applicant for a license as a radiographer, radiation
65 therapist, nuclear medicine technologist, or dental radiographer shall
66 have satisfactorily completed a course of study in radiography,
67 radiation therapy, nuclear medicine, or dental radiography,
68 respectively, or an equivalent to be determined by the board;

69 (2) The curriculum for each course of study shall be based on the
70 standards approved by the Joint Review Committee on Education in
71 Radiologic Technology, the Joint Review Committee on Nuclear
72 Medicine Technology, or other appropriate accreditation agencies

73 approved by the board.

74 3. The board shall establish criteria and standards within the
75 state for educational programs in medical imaging and radiation
76 therapy consistent with national accreditation standards, and approve
77 such programs upon finding that the criteria and standards have been
78 met.

79 4. In addition to the requirements in subsection 1 of this section,
80 any person seeking a license in dental radiography shall comply with
81 the following requirements:

82 (1) Each applicant for a license as a dental radiographer shall
83 have satisfactorily completed a course of study for dental radiography,
84 or its equivalent, as determined by the board; and

85 (2) The curriculum for the course of study may follow, and shall
86 be no less stringent than, the standards approved by the Section on
87 Oral Radiology of the American Association of Dental Schools, provided
88 such standards are not in conflict with board policy.

89 5. In addition to the requirements of subsection 1 of this section,
90 the scope of each limited permit is restricted as follows:

91 (1) Chest radiography permit: radiography of the thorax, heart,
92 and lungs;

93 (2) Skeletal radiography permit: radiography of the upper and
94 lower extremities, or the vertebral column.

95 6. For a period not to exceed three years from the effective date
96 of sections 334.1000 to 334.1030, the board shall waive the examination
97 requirement for licensure of a person who has been employed for a
98 minimum of three of the immediately preceding five years as a
99 radiographer, radiation therapist, nuclear medicine technologist, or
100 dental radiographer if the person demonstrates competency to the
101 satisfaction of the board through:

102 (1) Successful completion of a board-approved examination that
103 shall cover fundamental principles of radiographic imaging and
104 radiation safety; or

105 (2) Review of medical facility training and competency
106 verification records compiled under facility licensure requirements,
107 internal quality assurance standards established by the governing
108 board of the facility, or facility accreditation standards.

109 7. If the person is unable to successfully complete the

110 examination in subsection 1 of this section in three or less attempts, the
111 person shall submit to an on-site competency evaluation conducted by
112 the board. Following satisfactory completion of the evaluation, the
113 person shall be allowed to retake the examination in subsection 1 of
114 this section.

115 8. The board shall be authorized to study the impact of waiving
116 the licensure requirements for persons who use equipment powered by
117 no more than one hundred ten volt electricity and, if after analysis the
118 board determines the benefit to outweigh the risk to the public, the
119 board may promulgate a rule waiving such licensure requirement.

120 9. (1) There is hereby created in the state treasury the "Medical
121 Imaging and Radiation Therapy Licensure Fund", which shall consist
122 of money collected pursuant to sections 334.1000 to 334.1024. The state
123 treasurer shall be custodian of the fund and shall disburse moneys from
124 the fund in accordance with sections 30.170 and 30.180, RSMo. Upon
125 appropriation, money in the fund shall be used solely for the
126 administration of sections 334.1000 to 334.1024.

127 (2) Notwithstanding the provisions of section 33.080, RSMo, to
128 the contrary, any moneys remaining in the fund at the end of the
129 biennium shall not revert to the credit of the general revenue fund.

130 (3) The state treasurer shall invest moneys in the fund in the
131 same manner as other funds are invested. Any interest and moneys
132 earned on such investments shall be credited to the fund.

334.1015. 1. An approved program of medical imaging and
2 radiation therapy may be offered by a medical, chiropractic, or dental
3 facility, educational institution, chiropractic college, or other public or
4 private agency or institution. The program shall be affiliated with one
5 or more hospitals or dental schools or chiropractic colleges that, in the
6 opinion of the board and the appropriate accrediting agency, shall
7 provide the requisite clinical education.

8 2. The board shall by rule:

9 (1) Adopt procedures for an educational program to follow in
10 making application for accreditation;

11 (2) Provide a process for review of such accreditation by an
12 existing accreditation agency and approval by a recognized national
13 voluntary accrediting organization.

334.1018. 1. Each applicant for licensure shall be required to

2 pass a license examination designed and approved by the board.

3 2. The board shall hold an examination at least every six months
4 at times and places as the board may determine.

5 3. An applicant who fails to pass the examination may reapply
6 for the examination provided the applicant complies with the rules
7 established by the board.

8 4. The board shall accept in lieu of its own examination:

9 (1) A current certificate by the American Registry of Radiologic
10 Technologists or Nuclear Medicine Technologist Certification Board;

11 (2) A current certificate issued on the basis of a satisfactory
12 completion of the certification examination given by the Dental
13 Assisting National Board, Inc., or the National Board of Dental
14 Examiners;

15 (3) A limited scope radiography examination administered by the
16 American Registry of Radiologic Technologists or the American
17 Chiropractic Radiology Registry of Technologists for persons applying
18 for a limited permit in chest, extremity, or spine radiography.

19 5. The board may accept in lieu of its own examination:

20 (1) A current certificate from a recognized national voluntary
21 credentialing body not described in subsection 4 of this section that is
22 issued on the basis of an examination satisfactory to the board,
23 provided that the standards of such credentialing body are at least as
24 stringent as those established by the board;

25 (2) A current certificate, registration, or license as a person who
26 administers medical imaging and radiation therapy procedures issued
27 by another state, provided that the standards in the other state are at
28 least as stringent as those established by the board;

29 (3) A current certificate from a recognized national voluntary
30 credentialing body not described in subsection 4 of this section for
31 persons applying for a limited permit in chest, extremity, or spine
32 radiography, provided that the standards of such credentialing body
33 are at least as stringent as those established by the board.

334.1021. 1. The board may issue a license to each applicant who
2 has either successfully passed the examination or qualified under
3 subsection 4 or 5 of section 334.1018 and has paid the prescribed fees.

4 2. The board may at its discretion issue a temporary license to
5 any person whose licensure or relicensure may be pending and when

6 issuance may be justified by special circumstances. A temporary
7 license shall be issued only if the board finds that it will not violate the
8 purpose of sections 334.1000 to 334.1024 or endanger the public health
9 and safety. A temporary license shall expire ninety days after the date
10 of the next examination if the applicant is required to take the
11 examination, or if the applicant does not take the examination, then on
12 the date of the examination. In all cases, a temporary license shall
13 expire when the determination is made either to issue or deny the
14 applicant a license and in no event shall a temporary license be issued
15 for a period longer than one hundred eighty days.

16 3. Holders of a license under sections 334.1000 to 334.1024 shall
17 display the official license document or a verified copy in each place
18 of regular employment.

19 4. The board shall renew a license for a period of two years upon
20 payment of the renewal fee set by the board. Continuing education
21 requirements may also be set by rule of the board.

22 5. A licensee holding a license or permit under sections 334.1000
23 to 334.1024 whose license has lapsed and who has ceased activities as
24 such for more than five years may apply for relicensure upon payment
25 of a fee set by the board. Continuing education requirements may also
26 be set by the board.

27 6. A licensee holding a license or permit under sections 334.1000
28 to 334.1024 shall notify the board in writing within thirty days of any
29 name or address change.

334.1024. 1. The board may refuse to issue any license or renew
2 any license required by the provisions of sections 334.1000 to 334.1024
3 for one or any combination of reasons stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons
5 for the refusal and shall advise the applicant of the right to file a
6 complaint with the administrative hearing commission as provided in
7 chapter 621, RSMo.

8 2. The board may cause a complaint to be filed with the
9 administrative hearing commission as provided in chapter 621, RSMo,
10 against the holder of any license required by sections 334.1000 to
11 334.1024 or any person who has failed to renew or has surrendered the
12 person's license for any one or any combination of the following causes:

13 (1) The person is guilty of fraud or deceit in the procurement or

14 **holding of the license or permit;**

15 **(2) Conviction of a felony in a court of competent jurisdiction,**
16 **either within or outside of this state, unless the conviction has been**
17 **reversed and the holder of the license or permit is discharged or**
18 **acquitted, or if the holder has been pardoned with full restoration of**
19 **civil rights in which case the license or permit shall be restored;**

20 **(3) The person has been afflicted with any medical problem,**
21 **disability, or addiction which in the opinion of the board would impair**
22 **professional competence;**

23 **(4) Aiding and abetting a person who is not a licensee or**
24 **permittee holding a license under sections 334.1000 to 334.1024 or**
25 **otherwise authorized by subsection 3 of section 334.1009 to perform the**
26 **duties of a license or permit holder;**

27 **(5) Undertaking or engaging in any practice beyond the scope of**
28 **duties permitted a license or permit holder under sections 334.1000 to**
29 **334.1024;**

30 **(6) Impersonating a licensee or permittee or former licensee or**
31 **former permittee, or performing duties of a dental radiographer, or a**
32 **person who administers medical imaging or radiation therapy**
33 **procedures under an assumed name;**

34 **(7) The person has been found guilty of violations of a code of**
35 **ethics that the board may establish by rule;**

36 **(8) Performing medical imaging or radiation therapy procedures**
37 **without supervision of a licensed practitioner, or radiographer,**
38 **radiation therapist, or nuclear medicine technologist holding a license**
39 **under sections 334.1000 to 334.1024;**

40 **(9) Interpreting a diagnostic image for a physician, a patient, the**
41 **patient's family, or the public;**

42 **(10) The person is or has been found guilty of incompetence or**
43 **negligence in his or her performance as a license or permit holder.**

44 **3. When the license or permit of any person has been revoked,**
45 **reapplication to the board may be made no sooner than two years after**
46 **the date of the board's order revoking the license or permit.**

47 **4. No person shall knowingly employ as a radiographer,**
48 **radiation therapist, nuclear medicine technologist, dental**
49 **radiographer, or any person to perform medical imaging or radiation**
50 **therapy procedures who does not hold a license under sections 334.1000**

51 to 334.1024.

52 5. Any person who violates the provisions of sections 334.1000 to
53 334.1024, or any rule or order made under sections 334.1000 to 334.1024,
54 is guilty of a class A misdemeanor and shall be subject to the sanctions
55 of subsection 2 of this section, or other appropriate punishment.

56 6. Any rule or portion of a rule, as that term is defined in section
57 536.010, RSMo, that is created under the authority delegated in sections
58 334.1000 to 334.1024 shall become effective only if it complies with and
59 is subject to all of the provisions of chapter 536, RSMo, and, if
60 applicable, section 536.028, RSMo. Sections 334.1000 to 334.1024 and
61 chapter 536, RSMo, are nonseverable and if any of the powers vested
62 with the general assembly pursuant to chapter 536, RSMo, to review, to
63 delay the effective date, or to disapprove and annul a rule are
64 subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2007, shall
66 be invalid and void.

67 7. Any person licensed to practice veterinary medicine under
68 chapter 340, RSMo, is exempt from the provisions of sections 334.1000
69 to 334.1024, except for section 334.1018, when acting within such
70 person's scope of practice.

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